

C. Support for Claims under 37 CFR 1.173(c)

The enclosed appendix provides citations to passages in the specification that provide an explanation of the support from the specification and figures for each of the pending claims pursuant to 37 CFR 1.173(c).

D. Drawings

In this paper, the amendments to the drawings are described in detail and replacement sheets are attached hereto.

E. Declaration

In accordance with 37 CFR 1.175, the reissue declaration requires: (a) a statement that the applicant believes the original patent to be wholly or partly inoperative or invalid (1) by reason of a defective specification or drawing, or (2) by reason of the patentee claiming more or less than patentee had the right to claim in the patent; (b) a statement of at least one error which is relied upon to support the reissue application, i.e., which provides a basis for the reissue; (c) a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant; and (d) the information required by 37 CFR 1.63.

The Examiner objects to the declaration filed in this reissue application “because: the declaration does not specifically identifying (sic) the error.” However, the declaration filed in this reissue application specifically identifies that the error was the failure to claim a mechanism and method wherein parity information is not required. A portion of the declaration filed in this reissue application is excerpted below to demonstrate that at least one error has been specifically identified:

**At Least One Error Under 35 U.S.C. § 251 as to the Scope of the Original Claims
Being Relied on as the Basis for Reissue**

Error: The error involves the failure of the patentee to claim as broadly as he is entitled and in particular, to claim a mechanism and method for providing user selectable levels of protection, which mechanism and method are disclosed in the specification and are encompassed within the inventive concept. In particular, the failure to claim a mechanism and method wherein parity information is not required is an error.

Applicant requests withdrawal of the request for a new reissue declaration.

E. Information Disclosure Statements

Applicant thanks the Examiner for acknowledgement of the information disclosure statements filed on 2 August 2001, 7 February 2002, 8 April 2002, 17 May 2002, 8 August 2002, 20 May 2003 and 25 August 2004. Applicant calls the attention of the Examiner to the previously filed notice of litigation. Due to the contentious nature of litigation, Applicant was made aware of many references and Applicant has a duty to disclose such information to the patent office in this reissue application and Applicant has done so to ensure the Examiner and any court who may later scrutinize the prosecution of this reissue application that Applicant harbors no intent to deceive the patent office by withholding any reference from review by the Examiner. Applicant leaves to the Examiner the determination that any one of these references may or may not be material to patentability and should the Examiner decide not to consider any particular reference it will not have been due to Applicant's failure to submit the reference for consideration.

CONCLUSION

For all the foregoing reasons, early allowance of pending claims 1-49 and 56-165 is respectfully requested. If the Examiner believes that a telephone conversation may be useful in advancing prosecution, the Examiner is invited to contact the undersigned at the number listed below. If necessary, applicant requests to extend the period for filing this reply pursuant to 37 CFR 1.136(a) and authorizes the Director to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Procopio Deposit Account No. 50-2075.

Respectfully submitted,

Dated: 6 August 2009

By: /Patric J. Rawlins/
Patric J. Rawlins
Reg. No. 47,887

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900

APPENDIX

Claim	Status	Explanation of Support in Specification
1	pending	original patented claim
2	pending	original patented claim
3	pending	original patented claim
4	pending	original patented claim
5	pending	original patented claim
6	pending	original patented claim
7	pending	original patented claim
8	pending	original patented claim
9	pending	original patented claim
10	pending	original patented claim
11	pending	Figs. 3, 7a, 7b; Col. 12, Line 45 - Col. 15, Line 35
12	pending	Col. 15, Lines 18-35
13	pending	Col. 3, Line 18 - Col. 4, Line 32; Col. 15, Lines 18-35
14	pending	Fig. 7a; Col. 12, Lines 55-67
15	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Line 35
16	pending	Fig. 7b; Col. 14, Line 28 - Col. 15, Line 35
17	pending	Figs. 3, 7a, 7b; Col. 12, Line 45 - Col. 15, Line 35
18	pending	Col. 15, Lines 18-35
19	pending	Col. 3, Line 18 - Col. 4, Line 32; Col. 15, Lines 18-35
20	pending	Fig. 7a; Col. 12, Lines 55-67
21	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Line 35
22	pending	Fig. 7b; Col. 14, Line 28 - Col. 15, Line 35
23	pending	Figs. 3, 7a, 7b; Col. 12, Line 45 - Col. 15, Line 35
24	pending	Col. 15, Lines 18-35
25	pending	Col. 3, Line 18 - Col. 4, Line 32; Col. 15, Lines 18-35
26	pending	Fig. 7a; Col. 12, Lines 55-67
27	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Line 35

Claim	Status	Explanation of Support in Specification
28	pending	Fig. 7b; Col. 14, Line 28 - Col. 15, Line 35
29	pending	Fig. 7a; Col. 13, Lines 5-14
30	pending	Col. 15, Lines 18-35
31	pending	Col. 3, Line 18 - Col. 4, Line 32; Col. 15, Lines 18-35
32	pending	Fig. 7a; Col. 12, Lines 55-67
33	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Line 35
34	pending	Fig. 7b; Col. 14, Line 28 - Col. 15, Line 35
35	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45
36	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45
37	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45
38	pending	Col. 12, Lines 55-66
39	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Line 17
40	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45
41	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Line 17
42	pending	Fig. 3; Col. 4, Lines 4 - 32
43	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45
44	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Line 17
45	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Line 17
46	pending	Figs. 7a, 7b; Col. 3, Line 55 - Col. 4, Line 32
47	pending	Col. 3, Lines 49-54
48	pending	Fig. 7a; Col. 12, Lines 45-67
49	pending	Figs. 7a, 7b; Col. 13, Lines 15-32
50-55	canceled	
56	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45

Claim	Status	Explanation of Support in Specification
57	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Lin 17
58	pending	Col. 4, Lines 9-32
59	pending	Co. 4, Lines 9-32
60	pending	Col. 3, Line 18-Col. 4, Line 32
61	pending	Figs. 2, 3; Col. 18, Lines 57-63; Col 16, Lines 1-17
62	pending	Fig. 3; Col. 11, Line 12 - Col. 12, Line 15; Col. 9, Lines 29-39
63	pending	Fig. 3; Col. 11, Line 53 - Col. 12, Line 15; Col. 9, Lines 29-39
64	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 9, Line 40 - Col. 10, Line 20
65	pending	Figs. 2, 3; Col. 5, Line 54 - Col. 6, Line 18
66	pending	Col. 11, Lines 11-22; Col. 7, Lines 20-56; Col. 15, Lines 36-50; Col 16, Lines 25-52
67	pending	Col. 15, Lines 51-67
68	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Lin 17
69	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Lin 17
70	pending	Fig. 3; Col. 7, Lines 20-47
71	pending	Fig. 3; Col. 11, Line 12 - Col. 12, Line 15
72	pending	Fig. 3; Col. 3, Lines 6-8
73	pending	Fig. 3; Col. 9, Lines 29-34; Col. 3, Line 19 - Col. 4, line 32
74	pending	Figs. 3, 4; Col. 10, Lines 21-47
75	pending	Col. 8, Lines 39-50
76	pending	Fig. 3; Col. 9, Lines 40-47
77	pending	Fig. 3; Col. 9, Lines 40-47
78	pending	Fig. 3; Col 8, Line 61 - Col. 9, Line 28
79	pending	Fig. 7b; Col 14, Line 28 - Col. 15, Line 17
80	pending	Col. 3, Line 18-Col. 4, Line 32
81	pending	Col. 3, Line 18-Col. 4, Line 32
82	pending	Col. 3, Line 18-Col. 4, Line 32
83	pending	Col 13, Lines 5-25

Claim	Status	Explanation of Support in Specification
84	pending	Figs. 3, 7b; Col 14, Line 28 - Col. 15, Line 17; Col 18, Line 57 - Col. 19, Line 67
85	pending	Col. 12, Line 45 - Col. 13, Line 4
86	pending	Fig. 3; Col. 8, Line 61 - Col. 9, Line 28; Col. 9, Line 66 - Col. 10, Line 8
87	pending	Col. 11, Lines 11-22; Col. 7, Lines 20-56; Col. 15, Lines 36-50; Col 16, Lines 25-52
88	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32
89	pending	Col. 13, Lines 5-32
90	pending	Fig. 3; Col. 8, Line 63 - Col. 9, Line 3
91	pending	Fig. 3; Col. 9, Lines 40-47
92	pending	Figs. 3, 4; Col. 10, Lines 21-47
93	pending	Fig. 3; Col. 11, Line 12 - Col. 12, Line 15; Col. 9, Lines 29-39
94	pending	Figs. 3, 7a, 7b; Col. 3, 18 - Col. 4, Line 32
95	pending	Fig. 3; Col. 9, Lines 40-47
96	pending	Col. 12, Line 45 - Col. 13, Line 4
97	pending	Col. 3, 18 - Col. 4, Line 32
98	pending	Figs. 7a, 7b; Col. 14, Lines 4-27
99	pending	Fig. 7b; Col. 14, Line 28 - Col. 15, Line 35
100	pending	Figs. 3, 7a, 7b; Col. 3, 18 - Col. 4, Line 32
101	pending	Fig. 3; Col. 8, Line 25 - Col. 4, Line 3
102	pending	Fig. 7a; Col. 13, Lines 5 - 15
103	pending	Fig. 3; Col. 8, Line 61 - Col. 9, Line 28; Col. 9, Line 66 - Col. 10, Line 8
104	pending	Fig. 7a; Col. 13, Lines 26-32
105	pending	Col. 3, Line 18 - Col. 4, Line 32
106	pending	Col. 3, Line 18 - Col. 4, Line 32
107	pending	Col. 3, Line 18 - Col. 4, Line 32
108	pending	Fig. 3; Col. 11, Line 12 - Col. 12, Line 15; Col. 9, Lines 29-39
109	pending	Col. 18, Line 27 - Col. 19, Line 67

Claim	Status	Explanation of Support in Specification
110	pending	Figs. 2, 3; Col. 7, Lines 20-39; Col. 16, Lines 1-17
111	pending	Fig. 7b; Col. 14, Line 58 - Col. 15, Line 17
112	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32
113	pending	Col. 8, Line 61 - Col. 9, Line 3; Col. 9, Line 63 - Col. 10, Line 13
114	pending	Col. 13, Lines 5-32
115	pending	Col. 3, Line 18 - Col. 4, Line 32
116	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32; Col. 14, Line 58 - Col. 15, Line 35; Col. 18, Line 57 - Col. 19, Line 59
117	pending	Col. 19, Lines 8-67
118	pending	Figs. 7a, 7b; Col. 13, Lines 5-32; Col. 3, Line 18 - Col. 4, Line 32; Col. 14, Line 58 - Col. 15, Line 35; Col. 18, Line 57 - Col. 19, Line 59
119	pending	Fig. 7b; Col. 14, Lines 38-57
120	pending	Col. 13, Lines 5-32
121	pending	Col. 8, Line 63 - Col. 9, Line 3; Col. 9, Line 63 - Col. 10, Line 14
122	pending	Fig. 7b; Col. 4, Lines 10-32
123	pending	Figs. 3, 7b; Col. 4, Lines 10-32
124	pending	Fig. 3; Col. 9, Lines 63 - 66
125	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32
126	pending	Col. 3, Line 18 - Col. 4, Line 32
127	pending	Col. 3, Line 18 - Col. 4, Line 32
128	pending	Figs. 3, 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32
129	pending	Fig. 3; Col. 9, Lines 63 - 66
130	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32; Col. 13, Lines 5 - 32
131	pending	Fig. 2; Col. 7, Lines 20-25
132	pending	Col. 13, Lines 5 - 32
133	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32

Claim	Status	Explanation of Support in Specification
134	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32
135	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32
136	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32
137	pending	Fig. 7b; Col. 14, Line 28 - Col. 15, Line 35
138	pending	Figs. 2, 3; Col. 18, Lines 57-63; Col 16, Lines 1-17
139	pending	Figs. 3, 7a, 7b; Col. 19, Lines 54-67
140	pending	Col. 4, Lines 9-32
141	pending	Col. 18, Line 49 - Col. 19, Line 15
142	pending	Fig. 7b; Col. 14, Line 28 - Col. 15, Line 35
143	pending	Figs. 2, 3, 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32; Col. 14, Line 28 - Col. 15, Line 35
144	pending	Fig. 7b
145	pending	Figs. 2, 3, 4; Col. 10, Lines 21-47
146	pending	Col. 8, Line 63 - Col. 9, Line 3
147	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 3, Line 18 - Col. 4, Line 32
148	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 3, Line 18 - Col. 4, Line 32
149	pending	Col. 18, Line 57 - Col. 19, Line 59
150	pending	Figs. 3, 7a, 7b; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 3, Line 18 - Col. 4, Line 32
151	pending	Figs. 3, 7a, 7b; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 3, Line 18 - Col. 4, Line 32
152	pending	Figs. 3, 7a, 7b; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 3, Line 18 - Col. 4, Line 32
153	pending	Fig. 7b; Col. 14, Line 38 - Col. 15, Lin 17
154	pending	Figs. 7a, 7b; Col 3, Line 55 - Col. 4, Line 32
155	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 9, Line 40 - Col. 10, Line 20
156	pending	Figs. 2, 3; Col. 5, Line 54 - Col. 6, Line 18
157	pending	Col. 11, Lines 11-22; Col. 7, Lines 20-56; Col. 15, Lines 36-50; Col

Claim	Status	Explanation of Support in Specification
		16, Lines 25-52
158	pending	Col. 3, Line 18 - Col. 4, Line 32
159	pending	Col. 3, Line 18 - Col. 4, Line 32
160	pending	Col. 3, Line 18 - Col. 4, Line 32
161	pending	Figs. 7a, 7b; Col. 3, Line 18 - Col. 4, Line 32
162	pending	Col. 3, Line 18 - Col. 4, Line 32
163	pending	Fig. 3; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 3, Line 18 - Col. 4, Line 32
164	pending	Col. 18, Line 57 - Col. 19, Line 59
165	pending	Figs. 3, 7a, 7b; Col. 3, Line 56 - Col. 4, Line 32; Col. 18, Line 26 - Col. 20, Line 45; Col. 3, Line 18 - Col. 4, Line 32